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JPRS L/8954

28 February 1980

East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

(FOUO 2/80)



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CZECHOSLOVAKIA

PRAGUE TRIAL SEEN AS PART OF NEW SOVIET BLOC DISCIPLINING

Paris LE NOUVEL OBSERVATEUR in French 29 Oct-4 Nov 79 p 55

[Article by K. S. Karol: "In Prague, Nothing is Changed..."]

[Text] For several months there were definite signs of a thaw in the East. Then came the trial of the five Czechoslovak dissidents...

A total of 19 and 1/2 years in prison terms has just been handed down by the court in Prague to five defendants: Petr Uhl, engineer, 38; Vaclav Havel, playwright, 43; Vaclav Benda, 33; Jiri Dienstbier, 42; and Mrs Otta Bednarova, 54. The sixth defendant, Mrs Dana Nencova, 45, mother of seven children, was given a 2-year suspended sentence and allowed to return to her home.

This is not the first wrongful trial in occupied, normalized Czechoslovakia, but it has stirred Western opinion more than the others because it took place just as detente and the improvement of East-West relations were in full debate. Suddenly, the illusion was shattered that "this other Europe" would be given a respite, and the verdict from Prague serves to remind us that, in the words of the Italian Communist leader Gian Carlo Pajetta, "they can only govern by repression." But in the Kremlin--where lies the real power of decision--who had an interest in bringing about this demonstration, at this particular time? And to obtain precisely what?

It was in May, in fact, that Peter Uhl, Vaclav Havel, and their four friends--all signatories of the "Charter 77"--were arrested for having established a Committee for the Defense of the Unjustly Prosecuted (VONS). But the trial, scheduled for June, was postponed, a development interpreted everywhere as proof that Leonid Brezhnev, on the eve of the signing of the SALT II accords, preferred not to revive the memory of the repression of Czechoslovakia. Then rumors spread that Havel, Uhl, and their friends would be judged in the month of August, to coincide with the anniversary of the invasion of Prague in 1968. False alarm: Brezhnev and Husak wanted the least possible talk about that anniversary--and, indeed, with the sole exception of the Italian trade unions, no one in the West recalled that the Soviet troops had only come to Czechoslovakia on a "temporary" basis, and no one dreamed of calling for their removal.

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The Two TASS Versions

These repeated postponements of the Prague trial were even represented by the advocates of serious dialog between the Europe of the Nine and the USSR as evidence that detente was "paying off," and that one could rely on the good faith of Leonid Brezhnev to obtain, little by little, better compliance by the USSR and its allies with the accords of Helsinki and Belgrade. Others asserted that, on the eve of the conference taking place in Madrid in 1980 on this subject, the Soviets and the people's democracies would progressively lift their restrictions on the free movement of their citizens--which would, among other things, allow the USSR to acquire "most favored nation" tariff status from the United States. Finally, at the beginning of October, in a speech in East Berlin, Leonid Brezhnev went as far as announcing the withdrawal of some of the Soviet troops stationed in East Germany, and some observers inferred from this that he was disposed to negotiate a "neutralization" of this part of Europe, including Czechoslovakia. This "conciliatory speech" was, in any case, hailed as a great event by the communist parties of the West (and also by a large segment of German opinion.)

With the following week, the chill set in. First, for the Eurocommunists. Boris Ponomarev, deputy member of the Politburo and responsible for relations with communist parties abroad, proclaimed in a speech disseminated by TASS, that Eurocommunism, "that deviation detrimental to the working class," has ceased to exist, the rank and file faithful to the USSR having constrained their leaders to alter their line. Immediately, in terms variously polite or angry, HUMANITE, UNITA, and MUNDO OBRERO responded by saying that the line of the French, Italian, and Spanish parties is unchanged, and that Eurocommunism is in good health.

The following day, PRAVDA published the Ponomarev text--with the passage about western communist parties excised. The Moscow correspondent of UNITA called TASS to ask if the original dispatch was correct. He was assured that it was, and more specifically that the agency was not responsible for the uses which newspapers made of its services. Yet for all that, a second dispatch on the same speech no longer contained the controversial passage about Eurocommunists. "A cheap mystery story" was UNITA's title for this singular episode.

Twenty-four hours later, in Prague, the imminent opening of the trial of Petr Uhl, Vaclav Havel and their companions was announced. Without waiting further, the three Eurocommunist dailies literally outbid each other in condemning Czechoslovak justice and demanding that the accused be set free. But these protests had no effect: on the contrary, the verdict was rendered in 24 hours; Petr Uhl's wife was arrested in court (she would be released 48 hours later) for having taken notes; noted Frenchmen from Patrice Chereau to Professor Dieudonne, descending on Prague, were rudely expelled after being interrogated an entire night underneath a portrait of Stalin. What is more, in the Czechoslovak press it was decreed that the convicted defendants had formed a "fifth column" of imperialism, as at the height of the Cold War, as if all of Brezhnev's speeches were but a poor joke.

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Breakdown in the Machinery

Perplexed as much as indignant, Western leaders retorted, protested, and officially asked for the verdict to be changed. The French minister of foreign affairs, Jean Francois-Poncet, cancelled his visit to Prague. Above all, each of them thinks this affair reveals the existence of a very complicated game of chess in the Kremlin--a game the evolution of which remains obscure. It is likely that Petr Uhl, Vaclav Havel and the others accused in Prague were condemned to a total of 19 years in prison because one of the Soviet players in this match behind closed doors within the Kremlin, made a "winning" move, imposing a harder line with regard to the West.

But this theory does not exclude one other. Czechoslovakia, since last spring, has been undergoing a grave economic crisis, the result of the rise in price of Soviet oil and the limitation on supply. It is thus no longer possible to calm tempers by encouraging the citizens to pursue their private preoccupations while they bask in the glow of a higher standard of living. In these conditions, the USSR would have felt the need to "make an example" of Czechoslovakia, in order to discourage all public protest throughout the Eastern bloc. Thus a handful of defendants who acted in broad daylight were convicted in hopes of intimidating those who are organizing in the factories or laboratories. For Brezhnev, in sum--or for some other wing of the Soviet Communist Party--it would be a question of ensuring order in the Eastern bloc to be able to negotiate with the West with more peace of mind.

But this time, this old method does not seem to be paying off, and the question is being asked a bit everywhere--including in the Western communist parties--whether the political machinery in the Kremlin has not simply broken down: the USSR and Eastern Europe are already experiencing the instability of the interregnum opened up by Brezhnev's illness; and the Czechoslovaks, more bereft of sovereignty than the rest, are quite simply the first to pay the price.

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CZECHOSLOVAKIA

REPORT ON PRAGUE DISSIDENTS' TRIAL

Milan L'EUROPEO in Italian 10 Jan 80 pp 83-94

[Article by Salvatore Giannella: "The Days of Judgment"]

[Text] Prague--Behind closed doors with 12 family members present as spectators who entered with numbered tickets after passing through four police checkpoints: This was the beginning, on 22 October 1979, of the trial against engineer Petr Uhl, philosopher Vaclav Benda, newspapermen Jiri Dienstbier and Otka Bednarova, writer Vaclav Havel and psychologist Dana Nemcova. The six were arrested at dawn on 29 May by the secret police for having founded an "illegal organization": The Vons (Committee for the Defense of the Unjustly Persecuted) which is linked to the Charter 77 movement.

The wave of indignation throughout the world because of this violation of the Helsinki Accord on Human Rights (an accord signed by Czechoslovak President Husak) breaks vainly against the walls of the court, a rundown, sooty Hapsburg building, in No 2 Spalena St. Sandro Pertini sends telegrams in support of the six dissidents; many heads of government send messages; the U.S. Department of State intervenes; many Eurocommunist leaders take action, from Berlinguer to Marchais; trade unions protest. Dario Fo withdraws his works from Prague denouncing the "illiberal, antidemocratic and despotic regime." French Foreign Minister Jean Francois Poncet cancels his planned visit to Czechoslovakia. Even Brezhnev, for different reasons, advises Comrade Husak to stop the trial. The Kremlin's caution is explained by international exigencies (relations with the United States while Moscow still hopes to get "most favored nation" status which is then given to China) and by requirements of domestic politics: The Kremlin is worried about what could happen at home during the coming Olympics if agitation about dissension in the East were to be accentuated.

But Husak held fast. At 8:30 am Monday 22 October, Judge Kaspar declared the trial against the Vons six opened. Among other things they denounced 114 violations of civil rights committed in Czechoslovakia. Outside the courthouse waited hundreds of newspapermen, diplomats, observers of political parties and humanitarian organizations who came to Prague from all parts of the world. They had to be satisfied with indirect, fragmentary and incomplete information. "The lack of any form of publicity concerning the debate

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in itself is a serious violation of the rights of the accused," was the denunciation contained in an appeal by a group of Italian intellectuals, the first signer being Alberto Asor Rosa.

L'EUROPEO is able to furnish exclusively the detailed reconstruction of the Prague trial together with the appeal hearing which ended 22 December with confirmation of the first-degree sentences inflicted. The document, a kind of nonofficial report edited by those in the courtroom and sent to friends and relatives of the prisoners, throws light on the mysteries of the closed-door trial behind the Iron Curtain, revealing a sinister, up-to-date armamentarium of the Stalinist trials.

First Day Monday 22 October, 8:30 am.

The Charges

Prosecutor Adamec reads the charges. After having spoken of the Vons as a group opposed to the system, he refers to contacts of the accused with the anticommunist foreign propaganda and with provocative radio transmissions such as Munich's "Free Europe." Then he continues: "One of the contacts with foreign provocative organizations was proved on 23 September 1978 at the frontier post of Rozvadov, when Dutch citizens Yvone Duverman and Roberto Zoetemeyer were found in possession of Vons material photographed in the home of the accused Nemcova, even though she well knew that they were members of Amnesty International which has spread lies about our country throughout the world. The collaboration of the accused with foreign countries is also proved by the fact that the Vons material was published in LISTY, a newspaper edited in Rome by Jiri Pelikan and in the newspaper run by Pavel Tigrid in Paris. The activity of these emigrants is directed and subsidized by the American CIA, with which Pelikan and Tigrid are linked through a cover organization for American espionage, the International Advisory Council. The CIA guides the subversive activities of Pelikan and Tigrid through this organization.... The low morals of the accused emerge if it is considered that they labeled as unjust the death sentence inflicted on the Bares brothers who commandeered a bus to cross the frontier into Germany. During a firefight with the police, the driver was killed."

The Interrogations

Dana Nemcova is called.

Judge: Did you hear the charges? What do you have to say?

Nemcova: I note the charges but I do not understand them. I reject them. I do not feel guilty for having acted against the state. Vons is not a subversive organization but a free initiative of a group of citizens based on the right of petition according to Art 29 of the constitution.

Judge: How are the persons recruited by Vons selected?

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Nemcova: In my case, I had heard of some situations between friends and acquaintances. Each acted on his own initiative; cases were selected which seemed worthy of attention but without being guided by anyone.

Judge: Did you have visits from abroad?

Nemcova: Two Dutchmen came; one said he was a member of Amnesty. He explained to me the purposes of their group which is not a political organization and which follows the cases of people unjustly persecuted throughout the world. I replied that Vons existed in our country with the same aims but was smaller in size. I do not consider Amnesty a criminal group.

Judge: How were the communiqués drafted?

Nemcova: During the Vons meetings. During the drafting of the final text of each communiqué at least three members of Vons selected by chance were to participate.

Judge: How were the documents mimeographed? [Ed Note: In Czechoslovakia all mimeograph machines are numbered and recorded in a special police register.]

Nemcova: They were not mimeographed. We would type them in several copies.

Judge: Did you ever ask yourself why the Dutchmen came particularly to you?

Nemcova: I never thought about it. Our addresses are known. I am a very open person and when someone comes to visit me I do not ask him who he is but I am willing to speak with him.

Judge: What can you say regarding the letter against the death sentence of the Bares brothers?

Nemcova: When two youths commit a crime, they should not be punished with death. Everyone can have his own opinion. I favor principles contrary to the death sentence. That is why I signed the letter to the Court of Cassation, but not because I agree with the action taken by the Bares brothers.

Defense Lawyer Tichy: According to the charges, the interrogation of my client shows that the group is alleged to have worked clandestinely. Were there clandestine regulations?

Nemcova: There were none. Vons was public. The formulation which is the basis for the charge came out of a private letter by engineer Uhl at Tesar. It was not a conspiracy but a simple discretion concerning personal correspondence.

At 9:30 am the interrogation of Jiri Dienstbier begins.

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Dienstbier: I do not agree with the accusation. I do not feel guilty. The entire formulation of the charges, expressions such as "hostility" are false. I have been a member of Vons from its foundation; I collaborated in drafting several communiques, but all the rest of the accusation is forced and is untrue. The Vons communiques, for example, are not tendentious, they do not distort reality.

Judge: You begin to make categorical judgments...

Dienstbier: The purpose of our activity is that people will not be persecuted in Czechoslovakia because of their opinions.

Judge: You are a newspaperman. What do you know about the publication of Vons documents abroad?

Dienstbier: I know very little. Sometimes I have heard discussions on foreign radio about persecutions in Czechoslovakia, but Vons was not concerned with sending documents abroad.

Judge: I advise you that admitting your guilt is an extenuating circumstance. Think about it. Naturally you can defend yourself as you wish, no one is taking your ideas from you.

Dienstbier: I am a member of Vons and I have nothing to confess. That is all.

Judge: How many Vons meetings did you attend?

Dienstbier: About 10.

Lawyer Tichy: The charges say that you were elected to the Central Committee of the Communist Party at the 1968 Congress...

Judge (speaking sharply): We do not need to know that.

Lawyer Tichy: I would like to know if it is true.

Judge: The court does not need that. (The defense lawyer asks that the record show that the question was not permitted. The judge refuses).

Prosecutor: Are you a lawyer Mr Dienstbier?

Dienstbier: No.

Prosecutor: Have you ever read court records?

Dienstbier: I read something about the trials in the 1950's.

Prosecutor: My question was clear. Yes or no?

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Dienstbier: No.

Prosecutor: What right do you have, then, to believe you can judge if a person was justly or unjustly sentenced since the decision was made by an official organization which has the authority to judge?

Dienstbier: Every citizen, I believe, not only has the right but the obligation to express his opinion concerning every subject he considers worthy of his attention.

Prosecutor: Your way of defending yourself is a little naive. It dishonors your name.

Judge (turning to the public): You, the one with the white sweater, come here. And bring with you that pad of notes that you were writing. Everything!

A young man among the spectators: It is only paper, and it is blank.

Judge: Pick everything up and come forward. What is your name?

Youth: Andrej Dienstbier.

Judge: Give me those notes. (The judge leafs through them). Why did you write them?

Youth: We have so many relatives and an old mother. I want to tell them how the trial went.

Judge (dictating to the clerk): "The notes of Andrej Dienstbier are confiscated and are included in the record." (Then he informs everyone present that notes may be taken only with the permission of the court. Mrs Sabatova, the wife of the defendant Uhl, who is a spectator raises her hand: "I ask permission to take notes").

Judge: That is not permitted during the trial. Consider that as a warning, and if it should be repeated, I can have you expelled.

Sabatova: I thought that during a public trial I had the right to take notes.

Judge: After deliberation, the court excludes Mrs Sabatova until the end of the trial.

Sabatova: I won't go. (As she goes back to her seat).

Judge: The court will take a recess. (The recess lasts a few minutes, the time required by two policemen to drag Mrs Sabatova out of the courtroom by force. Uhl's attorney asks that another family member of his client be allowed to enter. The judge rejects the request "because no legal reason was given and to avoid crowding the courtroom." Otko Bednarova is called. The same formalities; the judge requests comment on the charges).

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Bednarova: I reject the accusation and the entire trial. Vons activity was not dictated by hostility. I refused to answer during the interrogations; I refuse to answer today before the court. I refuse to take part in this trial. However, I want to give the reasons why I did not reply to the interrogation. You must not hold it against me if I read them. After 5 months, it is the first time I have seen more than three persons. I participated in the rehabilitation trials in the 1960's and I had in that way the possibility of seeing and hearing how the accusations of the 1950's crumbled and the accusers...

Judge (interrupting): Mrs Bednarova, are you going to answer or not? Make up your mind. Let's get on with it.

(The defendant continues to try to read but is again interrupted by the judge. Her lawyer asks for a brief moment of consultation with his client and then asks at least that his client's notes become part of the record. This request is granted. The judge then turns to his list of questions. Bednarova refuses to answer).

Vaclav Benda is brought into the courtroom. In reply to the Judge's questions concerning the charges, Benda confirms what he told the interrogators: "I do not recognize the validity of the legal action against Vons. I have no intention of giving any opinion concerning the charges nor will I reply to any interrogation. I only want to point out, since I finally learned the details of the charges, some points that are most at variance with the truth. 1) The Vons communiques do not contain false information. The documents give facts, in a correct way. When opinions were expressed they were not a fundamental part of the communique. 2) It was a free association of citizens. 3) Clandestine methods were never used, on the contrary, the names of Vons members were made public in the first communique and all communiques were sent to the public offices. 4) Vons never had financial means. Regardless of the fact that there is reference in the charges, the money was that of Charter 77. I was involved in financial aid given to various imprisoned family members, but the money used was also always that of Charter 77 and not of Vons."

Finally Benda stresses that there can be some contradictions between his statements during his interrogation and his true opinion: "This is to be linked to the atmosphere of the interrogations which were carried out in a place where two pictures of Stalin hung on the wall. The commissar said he was a convinced Stalinist. In a situation of that kind it is difficult to discuss human rights."

Following a midday recess, Vaclav Havel was heard: "The charges are unfounded. What I have to say I prefer to say during the defense summation after I have learned how the trial goes."

Defense Attorney Lzicar: Is it true that during the entire year of Vons activity you lived almost always in your villa at Vlicice?

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Havel: Yes it is true. I came to Prague only three or four times for a day or two. We could not hold Vons meetings at my villa because the house during that entire period was under close surveillance of the police.

Havel steps down. Uhl enters. To the judge's first question he answers: "I have no intention of expressing myself concerning what you call charges. I do not feel guilty and I therefore have no need to defend myself. I cannot consider the pamphlet you sent me an accusation against Vons but an attack against Charter 77. I refuse to answer any other question."

The next step is the submission of evidence. From testimony read in the courtroom there is no concrete proof against the defendants. Then the judge lists 28 files of Vons documents, copies of letters, etc. For each of the sheets, he adds the report of an expert witness on typing to identify the typewriter the documents came from, or to identify handwritten notes. At a certain point he says, "It is assumed that one of these notes was written by Uhl." Defendant Uhl asks the reason for such an assumption. The judge tells him to come to the bench, and asks, "Look, did you write it or not?" Uhl answers, "I refuse to answer. I just want to know how you arrived at that conclusion and if you have the graphological analysis relating to it." The judge answers, "Mr Uhl, I have no analysis, but everyone recognizes his own handwriting." (The answer provokes smiles among those present in the courtroom, defendants and relatives). Then the judge takes the file with documents relating to the "railwaymen's ball" when some members of Charter 77 went to a dance. They were rudely expelled by the police who were waiting for them at the entrance. Vons had dealt with the subject in a communique. Defendant Benda asks that the entire file be eliminated from discussion because protests for the defense of Havel, Kukal and Landowski were written before Vons was organized. Prosecutor Adamec asks that the documentation remain on the record because it was found hidden by Jarmila Belikova in her house during a search, the day of her arrest. Uhl, Dienstbier, Benda and Havel immediately ask to be heard.

Uhl: The material was not confiscated the day of Belikova's arrest but a year earlier. The prosecutor's request testifies only to complete ignorance of the record by the prosecuting attorney who has not studied them. And if you, your honor, consider this file as material proof, please don't hold it against me, but you yourself do not recognize the record. (Uhl's statement, which was confirmed by the others, was not put into the record).

There was a brief recess in the afternoon. After 6 pm two handwriting experts were heard. "Heard" is not the right word because practically they were standing up, silent, while the judge in a monotonous tone, read the number of the pages and the documents in order, then listed the typewriters used and the names of their owners, almost always Benda, Dienstbier and Uhl. Uhl's lawyer, Lindner, returned to the question asked earlier by his client, and asked the experts for an explanation of the fact that they identified some words "positively" and others "probably" coming from Uhl. The experts replied that one of the notes was too short for a positive identification, and that on page 3 was much longer. Uhl noted that exactly the reverse was true.

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Dienstbier points to the fact that one of the documents could not have been written on his typewriter, as the experts testified, because he had bought the typewriter just 2 weeks before his arrest. The date of the document, instead, was much earlier.

The judge then digs among the papers and pulls out a letter addressed to an American organization "Helsinki Watch." He shows it to Dienstbier. The defendant says, "I received a letter from 'Helsinki Watch' 4 days before I was arrested. I did not reply and--because of the arrest--I could not show it to anyone. I would like to explain what organization is being discussed. 'Helsinki Watch' was founded in spring this year and keeps watch over the application of human rights in the United States. It has never participated in campaigns against Czechoslovakia, as is charged. On the contrary, occasionally information supplied by that organization is willingly quoted in Prague newspapers."

The judge does not allow the latter part of Dienstbier's statement to be included in the record.

Among documents exhibited there are some by Charter 77. Dienstbier asks how it happens that in a trial against Vons, material by Charter 77 is submitted. The judge replies, "But dear Mr Dienstbier, we certainly are not here to explain that to you! The court is not a place for discussion. If something is not clear, ask your lawyer for explanations."

The hearing is recessed at 7:30 pm.

Second Day, Tuesday, 23 October 1979

The hearing opens at 8:30 am with a request by Dana Nemcova. The defendant says she has severe pains in the back and asks to be allowed to lie down rather than stand or sit. "There is no doctor at the jail on Tuesday; he is there only on Monday and Wednesday and I could not have a checkup." The judge calls a recess, and orders an immediate physical examination. The hearing resumes at 9:45 with the deposition of the two prison doctors who confirm that the defendant suffers from an "acute pain" and advise that Nemcova be allowed to rest for 20 minutes occasionally. The defendant says she does not feel able to participate in the trial. The judge asks that the records show that Nemcova "does not feel well." The wives of some of the prisoners who received money from Vons then appear as witnesses. Some confirm, some do not. One says, "I only received a promise."

The judge then reads biographical data about the defendants. Sources: Employers and neighborhood committees. Uhl's prior convictions are emphasized (4 years in 1974, "subversive activity") and Vaclav Havel (14-month suspended sentence in 1977 "for having damaged the image of the state abroad"). The judge notes that the records of all the defendants are good except in the case of the writer, Vaclav Havel, who "has no fixed employment, which does not testify in his favor."

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The prosecutor then begins his summation. He reads from texts prepared earlier which coincide perfectly with the original charges. In the final part he develops some particular episodes, such as that of the Dutchmen who were members of Amnesty. He accuses the defendants of having violated the laws and the Czechoslovak constitution; he emphasizes that their activity can be described as "conspiracy to commit a crime." The text of the Vons documents clearly indicates--in his view--the hostility of the defendants. Finally, he asks that all the defendants be found guilty of having attempted to overthrow the state, with the additional charge of collaboration with foreign anticommunist organizations. For Uhl, Havel and Benda he asks the maximum penalty prescribed: 10 years in jail; for Dienstbier and Bednarova, 5 years. For Dana Nemcova, considering that she has seven children and considering the state of her health, he asks for a suspended sentence.

There is a lunch recess. The hearing resumes at 1:15 pm with summations by the defense attorneys. They all recalled the unsubstantial nature of the evidence and emphasized that a year had passed since the state offices had received material from Vons and they did not react. This could have induced the defendants to consider their activity, which was based on facts and not on opinion, as "completely legal." Nemecek, Nemcova's attorney, speaks in a telegraphic style "also considering the worsened conditions of the health of my client." He asks for dismissal of the charges or, that Nemcova's ill health be considered as well as her minor children, who would have no one to take care of them since her husband already was separately convicted for similar crimes. Nemcova asks that her final statement be entered into the record. Then she is accompanied by police in an ambulance to the prison hospital.

Then each of the defendants is allowed to speak.

Dienstbier: Your honor, the entire trial has demonstrated that the accusations of subversion do not stand up under objective analysis. I consider it absurd that I am accused of being "an enemy of socialism." I come from a communist family, I have actively worked in the party, and, as a newspaperman, in radio. I am a convinced socialist and none of my articles reveals a position that is different from the socialist position.

Judge (interrupting): Mr Dienstbier, we know that you are a newspaperman. We all have a file of your articles and radio commentaries, we know them, and if I were to read some today, perhaps you would blush with shame. But continue...

Dienstbier: If I were to express my opinion in brief, I would use the phrase from the "Communist Manifesto" where Marx and Engels define socialism as a society in which the free evolution of each individual is the condition for the free development of all. The function of the socialist state is to create the conditions for such an evolution, in freedom. And therefore we must always try to achieve this socialist objective.

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Dienstbier (he is again interrupted by the judge, but he continues): I just want to say that in all my life I have never done anything else, I explained why I joined Vons, because I was angered by the misdeeds committed on the occasion of the funeral of the Professor Patocka [Ed Note: He was under police surveillance and forbidden to participate in the funeral services; a very noisy police motorcycle competition was organized around the cemetery in order to drown out the voices of speakers], the abuses of authority regarding Ladislav Lis, the arrest of Vaclav Havel and of Landowsky in front of my eyes, and even the surveillance of our homes...

Judge (raising his voice): Confine yourself to the facts.

Dienstbier: I will say only this. A society cannot be considered healthy when individuals who have authority can prevent other persons from carrying out the activities of citizens. And this leads to a fatalistic, and I would say antisocialist, view of society.

Judge (irritated): This has nothing to do with this trial.

Dienstbier: I want to remind you that a party official criticized for his participation in the repression of the 1950's, expressed himself thus: "I, comrades, have erred many times but always with the party and never against the party." It seems he wanted to give us the recipe for how to completely exclude responsibility from life.

Judge: Dear Dienstbier, the court does not know this comrade. And it is not even interested in who he might be.

Dienstbier: He was an official in 1952, in 1968, and he still is, for 30 years. (Reacting to a gesture by the judge) Yes, Vons was created as a social group with civic responsibility within the spirit of Charter 77. It considered, as a principal factor in the rehabilitation of society, that it must stop persecution since the liberation of political prisoners could immediately increase the confidence of the citizens and respect for the republic abroad. And it would be such an easy step. A little courage would suffice...

Judge: The court does not need your advice. It asks your opinion on the subject of the trial.

Dienstbier: The charge indicates the criticism of the representatives of the state institutions as subversion, hostility, etc. But a socialist society, in fact, is the relationship among all citizens who have equal rights. The organizations are a function of the relationship, and not a power over society. Nor has experience confirmed that the institutions of a socialist state are infallible. The irrefutable and in many cases irremediable confirmation consists of the trials of the 1950's.

Judge (interrupting again): I have already told you to speak without digressing.

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Dienstbier: If there had been control by the public, not even our President Husak would have rotted in jail for 10 years. Criticism and control protects the very representatives of authority not only from jail but also from the fate of Dr Urvalek [Ed Note: Prosecutor in the trials of the 1950's, who committed suicide. Judge interrupts again, but Dienstbier continues]. "I will conclude by summing up. Let happen what you will, I want to have faith in reason and justice, in the unity of justice of law and truth. If such a concept were to prevail beginning today; if this court refuses to fatten the files of innocent persecuted persons, it would be an important victory for us all, defendants, state authorities and all of society. It would prove that the authority of the state is sufficiently strong to avoid having to protect itself from citizens by bars. It has already been said that there is a hostile campaign against our country, also in concomitance with this political trial, the most important in the past 25 years. Nothing could be easier than to disrupt this campaign, withdrawing the accusations and finding us not guilty. And I believe that.

Vaclav Havel speaks: Havel's speech is also frequently interrupted by the judge always with the same good-natured gesture and the words, "Dear Havel, please stick to the facts." Havel says: "In January 1978 I was arrested and, on the basis of false depositions by the police, I was charged with insulting a public official. I spent 6 weeks in jail; a year later the trial was halted--I was lucky--there were sufficient witnesses who were able to confirm my innocence. I felt in my flesh what it means to be unjustly persecuted. At the time of my arrest, a committee for our liberation was created. I believe that the existence of this committee, the fact that my name was known throughout the world and the pressure of international public opinion contributed to my being set free and later, my absolution. It was demonstrated in my case that the organs of the police and the courts can err. I realized how easy it is to become 'unjustly persecuted,' and that there was a possibility of defending oneself. This led us to the idea of creating Vons. It is necessary to look at the reasons why the people are accused and the way in which they are described. When it is written that a certain student has copied an article by Vaclav Havel and that his school friends read it, it is not so serious as it is to write, 'student so-and-so illegally reproduced and distributed a pamphlet against the state by a leader of the right' and these are the expressions that are used when our activity is discussed. We ask ourselves whether Vons is a subversive group. If it were, the same could be said of every work group, of every artistic group, of every orchestra."

The judge interrupts and Havel says with an impatient gesture, "That is the tenth time that I have been interrupted, and it would be better if I were to give you my written opinions to be introduced into the record."

It is Otka Bednarova's turn. The woman begins by almost excusing herself, "I do not know how to speak well like Havel, but since I could not do it at the beginning, I should like to express the reasons that led me to collaborate with Vons. As a newspaperwoman, I had the possibility of being present at

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the rehabilitation trials of the 1960's. I saw how the accusations suddenly crumbled and I became a member of Vons because I saw the tragedies of unjust convictions, often death sentences. The desire to prevent such a thing from happening again, no matter what the cost, has become the aim of my life." After having interrupted her several times the judge shouts: "Enough. I forbid you to speak." And he orders Petr Uhl to step forward.

In his address, Uhl recalls the Helsinki Accord which Czechoslovakia committed itself to observing by signing it. "This acceptance should carry with it the obligation to revise the Czechoslovak penal code. I am sorry that Czechoslovakia today is perhaps the only European country where such a trial can still be held. I suppose that we shall be found guilty and that there will be sentences. Some tens of years, perhaps. I am not a nationalist, but I love this country, its destiny is not a matter of indifference to me and I want to live in it." The judge interrupts: "The court is not here to discuss, but to assess, your criminal activity." Uhl: "I don't consider you a court that can judge me. Furthermore, your honor, I know full well you will not judge anything because everything already has been decided elsewhere."

Judge: Therefore, if you do not consider us a court, there is no need for you to continue to speak.

Uhl: Yes, it is useless. (He leaves.)

Judge: The court grants the defendants a last short statement.

Each of the defendants briefly sums up what he said before, except for Bednarova. She says that she wants her statement included in the record because she believes it is important. The judge replies: "Mrs Bednarova, I am the person who must know what is important and I will decide what will be put into the record."

Finally, Petr Uhl says: "Considering the atmosphere created in this courtroom because the judge has continually interrupted the statements by me and my colleagues, I renounce my right to a final statement." The court adjourns. It is 5:30 pm. Two and a half hours later, at 8 pm, Judge Kaspar reads the verdict. All the defendants are found guilty of the crime of subversion against the state and are sentenced: Uhl, 5 years in special prison; Havel, 4 and 1/2 years; Benda, 4 years; Dienstbier and Bednarova, 3-year suspended sentences; Nemcova, 2 years, with suspended sentence for 5 years. A voice from the table of the defense attorneys: "May the defendants briefly meet with their relatives in the courtroom?"

Judge Kaspar, sharply: "No."

Why Husak Should Be Isolated

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The Prague trial proves that the Husak regime does not respect the international commitments undertaken at Helsinki. The regime's newspapers in Czechoslovakia emphasize (often correctly) that the condition for political detente consists of this: That in some nations of the West certain methods that go back to the years of the cold war be eliminated (for example, discrimination against some persons because of their communist commitment and their pro-Soviet position). The present Prague regime has demonstrated, through the trial against Uhl and his comrades, that it itself adopts cold war methods against persons who support human rights to freedom of expression of their own opinions, to freedom of information, the right of the citizen to criticize state authority.

The Prague trial has demonstrated that the present regime is not capable of maintaining its international commitments concerning the subjects. Public opinion, governments of nations which signed the Helsinki accord must do everything, with all legitimate means, to see to it that the Prague government understands that it cannot be considered a trusted partner in international relations.

Zdenek Mlynar

Ex-Secretary of the Czechoslovak Communist Party, now in exile in Vienna.

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GERMAN DEMOCRATIC REPUBLIC

BRIEFS

SOVIET MISSILE INSTALLATIONS--"If the United States installs Pershing missiles in the FRG, we shall be forced to ask the Soviets to install some SS-20 [missiles] here," is what they are saying (unofficially) at the GDR embassy in Paris. [Text] [Paris PARIS MATCH in French 11 Jan 80 p 47]

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HUNGARY

BRIEFS

MILITARY WEAPONS REINFORCEMENTS--The Soviet troops stationed in Hungary on the Yugoslav border have received reinforcements for their artillery, their antiaircraft weapons and their engineers' equipment. Batteries of antiaircraft rockets have been installed in the outer suburbs of Budapest. [Text] [Paris VALEURS ACTUELLES in French 21 Jan 80 p 14 WA]

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YUGOSLAVIA

BRIEFS

POLICEMEN'S PREPARATIONS NOTED--Because lists of policemen accused of having tortured their prisoners are circulating in Zagreb, the Serbian agents of the Yugoslav secret service are providing themselves with false identity documents in preparation for the post-Tito period so they can escape any reprisals that might be directed their way. [Text] [Paris VALEURS ACTUELLES in French 14 Jan 80 p 14]

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END

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